

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MITCHELL KEITH GOODRUM,

Plaintiff,

v.

STATE OF NEVADA, et al.,

Defendants.

Case No. 3:22-cv-00220-ART-CSD

ORDER

Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge Craig S. Denney (ECF No. 4), recommending this action should be dismissed without prejudice.

Plaintiff had until June 22, 2022 to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R, and will dismiss this action without prejudice.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but only if, one or both parties file objections to the findings and recommendations.”); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

1 Because there is no objection, the Court need not conduct de novo review,
2 and is satisfied Judge Denney did not clearly err. *Pro Se* Plaintiff Mitchell Keith
3 Goodrum initiated this action by filing a motion asking to move his case from the
4 Tenth Judicial District Court to the U.S. District Court. (ECF No. 1-1) Judge
5 Denney issued a previous order on May 13, 2022, advising Plaintiff that he may
6 not remove his own civil action from state court; instead, a defendant may remove
7 a civil action from state court by filing a notice of removal in the U.S. District
8 Court. 28 U.S.C. § 1446. As such, Judge Denney denied Plaintiff's motion. (ECF
9 No. 3.)

10 Judge Denney explained that insofar as Plaintiff had voluntarily dismissed
11 his case in the Tenth Judicial District and sought to file it in federal court, he
12 must file a completed application to proceed in forma pauperis (IFP) for an inmate
13 or pay the filing fee. (*Id.*) Judge Denney gave Plaintiff until June 3, 2022, to file
14 his completed IFP application or pay the filing fee. Judge Denney advised that
15 once he had done so, the Court would review his proposed amended complaint.
16 Plaintiff was cautioned that a failure to timely file a completed IFP application or
17 pay the filing fee would result in a recommendation for dismissal of this action
18 without prejudice. (*Id.*) Plaintiff did not timely file a completed IFP application or
19 pay the filing fee. Therefore, Judge Denney recommended this action should be
20 dismissed without prejudice.

21 The Court agrees with Judge Denney. Having reviewed the R&R and the
22 record in this case, the Court will adopt the R&R in full.

23 IT IS THEREFORE ORDERED that Judge Denney's Report and
24 Recommendation (ECF No. 4) is accepted and adopted in full.

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1 IT IS FURTHER ORDERED that this action is DISMISSED WITHOUT
2 PREJUDICE.

3 DATED THIS 19th day of September, 2022.

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6 ANNE R. TRAUM
7 UNITED STATES DISTRICT JUDGE
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